761551N25A - SH-AD-32A (2/72) -



COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

DATE August 17, 1993

OFFICE CORRESPONDENCE

FILE NO. IAB 004810

FROM: BERT J. CUEVA, CAPTAIN
INTERNAL AFFAIRS BUREAU

TO: STEVEN LANKFORD, DEPUTY
ANTELOPE VALLEY STATION

SUBJECT: **NOTIFICATION OF CONCLUSION OF SHOOTING REVIEW**

On March 25, 1993, you were involved in a shooting incident.

Pursuant to Department policy, the Internal Affairs Bureau conducted an independent review of this matter.

Based on facts developed by the Internal Affairs Bureau, your Region Chief has determined that this shooting fell within Department policy. The investigative file regarding this incident has been made inactive.

BJC:arm

cc: File

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

OFFICER INVOLVED SHOOTING EVALUATION

UNIT: ANTELOPE VALLEY STATION
DATE: MARCH 25, 1993
TIME: 2011 HOURS
LOCATION: [redacted] SABAL AVENUE, PALMDALE

URN#: 093-09098-1111-055
IAB#: 004810
NATURE OF INCIDENT: ARMED, BARRICADED SUSPECT POINTS A REPLICA HANDGUN AT DEPUTIES, WHO SUBSEQUENTLY SHOOT AND KILL HIM.

COMPLETED BY: KEN FOWLER & KATIE CAMPBELL, SERGEANTS
Internal Affairs Bureau

DATE: APRIL 15, 1993

REVIEWED BY THE FOLLOWING:

UNIT COMMANDER [signature] DATE: 7/19/93

AREA COMMANDER [signature] DATE: 7/19/93

A/DIVISION CHIEF [signature] DATE: 7/19/93

ASSISTANT SHERIFF: [signature] DATE: 8/12/93

COUNTY OF LOS ANGELES - SHERIFF'S DEPARTMENT
INCIDENT DATA

WHAT INITIATED INCIDENT

Call	X	Observation		Search Warrant		Arrest Warrant	

LOCATION OF OCCURRENCE

[redacted] Sabal Avenue, Palmdale

TYPE OF LOCATION

Residence	X	Business		Industrial		Parking Lot	
Street		Backyard	X	Freeway		Rural	
Other	X	Front Yard					

SHOOTING CONDITIONS

DATE	TIME	DAY
03-25-93	2011	Thursday

LIGHTING	WEATHER
None	Cloudy and Rain

DISTANCE

Between approximately 60' - 115'

CONTRIBUTING FACTORS

LOS ANGELES COUNTY - SHERIFF'S DEPARTMENT

CLASSIFICATION

ACCIDENTAL:	No
GUN TAKE-AWAY:	No
PERSON(S) ARMED:	Yes
PERSON(S) UNARMED:	No
STARTLE:	No
UNINTENTIONAL:	No
DEPUTY IN UNIFORM:	[X] RAID JACKET: [ ] PLAIN CLOTHES: [ ]
VEST WORN:	Yes
FOOT PURSUIT:	No
VEHICLE PURSUIT:	No
VEHICLE STOP:	No
TYPE OF HOLSTER:	Not Applicable
GUN IN HOLSTER:	No
STRUGGLE INVOLVED:	No

ADDITIONAL FACTS AND INFORMATION:

LOS ANGELES COUNTY - SHERIFF'S DEPARTMENT

DEPUTY INVOLVED

SHOOTER

EMPLOYEE'S NAME		
BRODY, Gary L.		

RANK	EMPLOYEE NO.	UNIT AND DIVISION / REGION OF ASSIGNMENT
Deputy		Antelope Valley Station/Field Op. Region I

SEX	RACE	HEIGHT	WEIGHT	DATE OF BIRTH	AGE
M	White	5'06"	125		

DUTY STATUS	HIRE DATE
On Duty	01-12-83

UNIFORM	RAID JACKET	PLAIN CLOTHES	VEST
Yes	No	No	Yes

INJURED	DECEASED	CORONER'S CASE NO.
No	No	Not Applicable

DESCRIPTION OF INJURIES
Not Applicable

WEAPON USED

TYPE	AUTHORIZED
Beretta, 9mm., Autoloader	Yes

AMMUNITION TYPE	AUTHORIZED
County Issued, 9mm.	Yes

RANGE QUALIFICATION (LAST DATE)	NO. OF ROUNDS FIRED BY DEPUTY	NO. OF HITS
	Two (2)	None

DEPUTY'S TOXICOLOGY

UNDER THE INFLUENCE	TEST FOR CAUSE ORDERED	ORDERED BY
No	No	Not Applicable

TRAINING INFORMATION

LASER VILLAGE TRAINING (LAST DATE)	PRACTICAL POLICE COURSE (LAST DATE)



DEPUTY INVOLVED
Continued

ASSIGNMENT HISTORY		
DATE	**UNIT OF ASSIGNMENT**	**RANK**
09-06-87 - Present	Antelope Valley Station	Deputy
[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]

PRIOR SHOOTING INCIDENTS (ALL KNOWN INCIDENTS WHERE DEPUTY HAS DISCHARGED A WEAPON INCLUDING ACCIDENTAL DISCHARGES AND SHOTS FIRED AT ANIMALS OR HUMANS)

FILE	DATE	TYPE
091-18013-1125-055	07-15-91	Armed GTA Suspect is shot when pointing an
		assault rifle at deputies
089-20663-1112-056	05-07-89	Armed GTA Suspect is shot when attacking Deputy
		Brody with a knife.

LOS ANGELES COUNTY - SHERIFF'S DEPARTMENT

DEPUTY INVOLVED

SHOOTER

EMPLOYEE'S NAME		
DEETS, Lonnie D.		

RANK	EMPLOYEE NO.	UNIT AND DIVISION / REGION OF ASSIGNMENT
Deputy		Antelope Valley Station/Field Op. Region I

SEX	RACE	HEIGHT	WEIGHT	DATE OF BIRTH	AGE
M	White	5'09"	145		

DUTY STATUS	HIRE DATE
On Duty	05-27-87

UNIFORM	RAID JACKET	PLAIN CLOTHES	VEST
Yes	No	No	Yes

INJURED	DECEASED	CORONER'S CASE NO.
No	No	Not Applicable

DESCRIPTION OF INJURIES
Not Applicable

WEAPON USED

TYPE	AUTHORIZED
Ithaca Shotgun, 12 ga.	Yes

AMMUNITION TYPE	AUTHORIZED
County Issued	Yes

RANGE QUALIFICATION (LAST DATE)	NO. OF ROUNDS FIRED BY DEPUTY	NO. OF HITS
	Four (4)	One - See Narrative

DEPUTY'S TOXICOLOGY

UNDER THE INFLUENCE	TEST FOR CAUSE ORDERED	ORDERED BY
No	No	Not Applicable

TRAINING INFORMATION

LASER VILLAGE TRAINING (LAST DATE)	PRACTICAL POLICE COURSE (LAST DATE)



DEPUTY INVOLVED
Continued



ASSIGNMENT HISTORY

DATE	UNIT OF ASSIGNMENT	RANK
10-90 - Present	Antelope Valley Station	Deputy

PRIOR SHOOTING INCIDENTS (ALL KNOWN INCIDENTS WHERE DEPUTY HAS DISCHARGED A WEAPON INCLUDING ACCIDENTAL DISCHARGES AND SHOTS FIRED AT ANIMALS OR HUMANS)

FILE	DATE	TYPE

LOS ANGELES COUNTY - SHERIFF'S DEPARTMENT

DEPUTY INVOLVED

SHOOTER

EMPLOYEE'S NAME
FOSS, Bradford S.

RANK	EMPLOYEE NO.	UNIT AND DIVISION / REGION OF ASSIGNMENT
Deputy		Antelope Valley Station/Field Op. Region I

SEX	RACE	HEIGHT	WEIGHT	DATE OF BIRTH	AGE
M	White	6'03"	200		

DUTY STATUS	HIRE DATE
On Duty	06-01-88

UNIFORM	RAID JACKET	PLAIN CLOTHES	VEST
Yes	No	No	Yes

INJURED	DECEASED	CORONER'S CASE NO.
No	No	Not Applicable

DESCRIPTION OF INJURIES
Not Applicable

WEAPON USED

TYPE	AUTHORIZED
Beretta, 9mm., Autoloader	Yes

AMMUNITION TYPE	AUTHORIZED
County Issued, 9mm.	Yes

RANGE QUALIFICATION (LAST DATE)	NO. OF ROUNDS FIRED BY DEPUTY	NO. OF HITS
	Four (4)	None

DEPUTY'S TOXICOLOGY

UNDER THE INFLUENCE	TEST FOR CAUSE ORDERED	ORDERED BY
No	No	Not Applicable

TRAINING INFORMATION

LASER VILLAGE TRAINING (LAST DATE)	PRACTICAL POLICE COURSE (LAST DATE)




DEPUTY INVOLVED
Continued

ASSIGNMENT HISTORY

DATE	UNIT OF ASSIGNMENT	RANK
02-23-92 - Present	Antelope Valley Station	Deputy

PRIOR SHOOTING INCIDENTS (ALL KNOWN INCIDENTS WHERE DEPUTY HAS DISCHARGED A WEAPON INCLUDING ACCIDENTAL DISCHARGES AND SHOTS FIRED AT ANIMALS OR HUMANS)

FILE	DATE	TYPE

LOS ANGELES COUNTY - SHERIFF'S DEPARTMENT

DEPUTY INVOLVED

SHOOTER

EMPLOYEE'S NAME		
LANKFORD, Steven A.		

RANK	EMPLOYEE NO.	UNIT AND DIVISION / REGION OF ASSIGNMENT
Deputy	[redacted]	Antelope Valley Station/Field Op. Region I

SEX	RACE	HEIGHT	WEIGHT	DATE OF BIRTH	AGE
M	White	6'00"	185	[redacted]	[redacted]

DUTY STATUS	HIRE DATE
On Duty	05-23-84

UNIFORM	RAID JACKET	PLAIN CLOTHES	VEST
Yes	No	No	Yes

INJURED	DECEASED	CORONER'S CASE NO.
No	No	Not Applicable

DESCRIPTION OF INJURIES
Not Applicable

WEAPON USED

TYPE	AUTHORIZED
Beretta, 9mm., Autoloader	Yes

AMMUNITION TYPE	AUTHORIZED
County Issued	Yes

RANGE QUALIFICATION (LAST DATE)	NO. OF ROUNDS FIRED BY DEPUTY	NO. OF HITS
[redacted]	Nine (9)	None

DEPUTY'S TOXICOLOGY

UNDER THE INFLUENCE	TEST FOR CAUSE ORDERED	ORDERED BY
No	No	Not Applicable

TRAINING INFORMATION

LASER VILLAGE TRAINING (LAST DATE)	PRACTICAL POLICE COURSE (LAST DATE)
[redacted]	[redacted]



DEPUTY INVOLVED
Continued

ASSIGNMENT HISTORY		
DATE	**UNIT OF ASSIGNMENT**	**RANK**
12-24-89 - Present	Antelope Valley Station	Deputy

PRIOR SHOOTING INCIDENTS (ALL KNOWN INCIDENTS WHERE DEPUTY HAS DISCHARGED A WEAPON INCLUDING ACCIDENTAL DISCHARGES AND SHOTS FIRED AT ANIMALS OR HUMANS)

FILE	DATE	TYPE

LOS ANGELES COUNTY - SHERIFF'S DEPARTMENT

DEPUTY INVOLVED

SHOOTER

EMPLOYEE'S NAME		
NEWLANDS, Mark S.		

RANK	EMPLOYEE NO.	UNIT AND DIVISION / REGION OF ASSIGNMENT
Deputy		Antelope Valley Station/Field Op. Region I

SEX	RACE	HEIGHT	WEIGHT	DATE OF BIRTH	AGE
M	White	5'10"	145		

DUTY STATUS	HIRE DATE
On Duty	05-27-87

UNIFORM	RAID JACKET	PLAIN CLOTHES	VEST
Yes	No	No	Yes

INJURED	DECEASED	CORONER'S CASE NO.
No	No	Not Applicable

DESCRIPTION OF INJURIES
Not Applicable

WEAPON USED

TYPE	AUTHORIZED
Beretta, 9mm., Autoloader	Yes

AMMUNITION TYPE	AUTHORIZED
County Issued, 9mm.	Yes

RANGE QUALIFICATION (LAST DATE)	NO. OF ROUNDS FIRED BY DEPUTY	NO. OF HITS
	Nine (9)	None

DEPUTY'S TOXICOLOGY

UNDER THE INFLUENCE	TEST FOR CAUSE ORDERED	ORDERED BY
No	No	Not Applicable

TRAINING INFORMATION

LASER VILLAGE TRAINING (LAST DATE)	PRACTICAL POLICE COURSE (LAST DATE)

DEPUTY INVOLVED
Continued



ASSIGNMENT HISTORY		
DATE	**UNIT OF ASSIGNMENT**	**RANK**
12-02-90 - Present	Antelope Valley Station	Deputy

PRIOR SHOOTING INCIDENTS (ALL KNOWN INCIDENTS WHERE DEPUTY HAS DISCHARGED A WEAPON INCLUDING ACCIDENTAL DISCHARGES AND SHOTS FIRED AT ANIMALS OR HUMANS)		
FILE	**DATE**	**TYPE**

LOS ANGELES COUNTY - SHERIFF'S DEPARTMENT

SUSPECT/SUBJECT

LAST NAME	FIRST NAME	M/I
ROSENSTEIN	Stuart	NMN

ADDRESS

SEX:	RACE	HEIGHT	WEIGHT	D.O.B.	AGE	DECEASED
M	White	5'11"	165	06-28-54	38	Yes

INJURED	DESCRIPTION OF INJURIES
Yes	Multiple gunshot wounds to body

SUSPECT'S TOXICOLOGY

UNDER THE INFLUENCE
Unknown

TYPE OF SUBSTANCE	LAB TEST CONDUCTED
Unknown	By Coroner's Office

ARMED	TYPE OF WEAPON
Yes	Two (2) Replica Handguns

NUMBER OF SHOTS FIRED BY SUSPECT	NUMBER OF HITS
None	None

SUSPECT VEHICLE
No Vehicle Involved

CRIMINAL HISTORY (ATTACH COPY OF RAPS)
See Attached (Exhibit A)

SUMMARY OF INCIDENT
See Attached Summary

SUMMARY OF INCIDENT

FILE #I.A.B. 004810

The Sheriff's Information Bureau notified the Internal Affairs Bureau investigators at 2035 hours on March 25, 1993, of a deputy involved shooting that occurred in the Antelope Valley Station patrol area. They were directed to respond to [redacted] Sabal Avenue in Palmdale. Sergeant Ken Fowler, Sergeant Katie Campbell, and Lieutenant Dennis Burns responded to the location.

Upon arrival at the location, the Internal Affairs Bureau investigators noted that Sabal Avenue is a residential street that runs in a north/south direction and intersects with Avenue S, on the south. This is a neighborhood consisting of single story, single family dwellings. There was yellow Sheriff's Department crime scene tape stretched from east to west across Sabal Avenue just south of the suspect's house, and there was yellow tape stretched across Sabal Avenue just north of the suspect's house. Located within the contained area were two Sheriff's Department black and white radio cars which were parked facing northbound just south of the suspect's house. The spotlights on these radio cars were lit and were illuminating the suspect's front yard area. Just north of these radio cars was a Honda, California License #[redacted] parked, with the driver's door open, along the west curbline of Sabal Avenue, facing north, directly in front of the suspect's house (See Photo, Exhibit B)

At the time the investigators arrived at the location, rain was falling heavily. They were directed to the Sheriff's Department mobile command post, which was located in the street across from the suspect's home, where they contacted the Watch Commander, Lieutenant Castillo. They were advised that the shooting had occurred at the suspect's house, [redacted] Sabal Avenue.

Shortly thereafter, Lieutenant Joe Brown, of Homicide Bureau, arrived. After Lieutenant Brown had been briefed and escorted through the crime scene, he provided the Internal Affairs Bureau investigators with the following information:

> Suspect Rosenstein, who was estranged from his [redacted] had taken her car without permission the previous evening, and was involved in a collision. He walked to a friend's home, where he told the friend of his intent of having the police kill him.

Witness [redacted] told the Internal Affairs Bureau investigators that she and Suspect Rosenstein were [redacted] She said he had been released from the Los Angeles County Jail on, or near, Saint Patrick's Day, 1993. She said that Suspect Rosenstein had a history of stealing money, gambling, drinking excessively, and taking her car without permission, so prior to his being released from jail, she moved out and moved in with a friend in Canyon Country. She related that on the evening of March 24, 1993, Suspect Rosenstein took her vehicle, which had been in the possession of her [redacted] who still lived with Rosenstein. Suspect Rosenstein crashed her car and left it abandoned at 27th Street East and Palmdale Boulevard, where the Sheriff's Department recovered it. She said that Suspect Rosenstein then walked to the home of [redacted] a friend, and told [redacted] that he "wanted to shoot it out with the police." Ms. [redacted] said that Suspect Rosenstein then returned to his home on Sabal Avenue.

Ms. [redacted] told the Internal Affairs Bureau investigators that she received a telephone call during

the day on March 25, 1993, from her friend, who advised her that Suspect Rosenstein had called her earlier in the day and asked her if she had a gun he could use.

Lieutenant Brown continued with his briefing by stating that during the day on March 25, 1993, Suspect Rosenstein began destroying the contents of the home (See Photos of Interior, Exhibit C). While he was in the process of breaking and burning various items, Ms. her , a family friend, and her friend, arrived at the house to begin removing property.

told the Internal Affairs Bureau investigators that her who was still living at the location, notified her during the day of March 25, 1993, that Suspect Rosenstein was acting bizarre, so she advised her to remove her personal possessions and move out.

Witness told the Internal Affairs Bureau investigators that she arrived at the location with her in order to remove her clothing and other possessions from the house. She said that when they arrived, Suspect Rosenstein was "acting crazy" and had a fire roaring in the fireplace. She said that Suspect Rosenstein was throwing furniture and other items into the fire and was burning them up. At one point, Suspect Rosenstein picked up an ax and began striking a television set and a stereo, destroying both (See Photos of Ax and Interior of Location, Exhibit C). When began to yell at Suspect Rosenstein, ordering him to stop breaking up the items, Suspect Rosenstein began walking toward moving the ax in a jerking motion in direction. She stated that and arrived and began talking to Suspect Rosenstein attempting to calm him.

Witness related substantially the same to the Internal Affairs Bureau investigators as stated above.

Witness told the Internal Affairs Bureau investigators that she had been a friend of and Suspect Rosenstein for about six years. She said that Suspect Rosenstein had called her during the day on March 25, 1993, and asked her to get him a gun. She said he was very distraught over the recent death of his and the impending break-up with Ms. The various remarks made by Suspect Rosenstein led her to believe that Suspect Rosenstein was possibly suicidal. She said that late in the afternoon on March 25, 1993, Suspect Rosenstein called her and asked her if she wanted a stereo or any other accessories. He explained to her that he was in the process of destroying and burning items in the fireplace in his house. Ms. stated that she went to his house in order to retrieve and protect the property of Ms. She enlisted the assistance of her friend, to accompany her to the location. When Ms. arrived at the location, she met and who were both standing outside the closed and locked front door. After a brief discussion, Suspect Rosenstein unlocked the door and allowed them inside. Ms. then related substantially the same as stated above.

Witness related substantially the same to the Internal Affairs Bureau investigators as and stated above.

Lieutenant Brown continued by stating that at some point he ran the street to a neighbor's house, with blood on his face, and told them that his had tried to kill him. He then ran back to his home, at which point the neighbors heard two loud noises like gunshots, coming from the location.

I.A.B. NOTE: At 1715 hours on March 25, 1993, Antelope Valley Station desk personnel entered a call from the occupant at [redacted] who reported that their neighbor, Suspect Rosenthal, came to their front door with blood on his face, telling them that his [redacted] had tried to kill him. The suspect then ran home, and a short time later, the neighbors reported hearing three gunshots.

Antelope Valley Station dispatched Deputy Michael Kelleher, Deputy Lonnie Deets, and Sergeant John Lowe, to handle the call.

The printout of this call reveals that it was dispatched as an "Illegal Shooting, Possible Violently Insane Person, and a Man with A Gun" call. The units were advised of the suspect's possible name, and his description and that he was inside his home, which is located [redacted] the street from the informant's home (See Exhibit D). A tape recording of this radio traffic is available for review at the Internal Affairs Bureau.

Antelope Valley Station personnel duplicated a copy of the tape recorded telephone conversation with the informant, however, it was very poor quality. The investigators contacted Lieutenant Tom Piggot of Antelope Valley Station on March 30, 1993, to ascertain the problem with the copy. He advised that Antelope Valley Station had been experiencing problems with the unit that records incoming telephone calls to the station desk and that the original tape recording was nearly incomprehensible.

Lieutenant Ed Knutsen of the Professional Standards and Training Division, Headquarters, was advised of the above on March 31, 1993, and will dispatch a member of the Tech Crew to Antelope Valley Station to attempt to obtain a copy of the telephone conversation that may be understood.

Deputy Ebert of the Tech Crew attempted to enhance the recording, however, because of the poor quality of the original tape recording from Antelope Valley Station, he indicated he was unable to further improve it.

[redacted] told the Internal Affairs Bureau investigators that while she and [redacted] were inside the location gathering her personal items, she looked out a front window and observed Sheriff's Department radio cars arrive in front of the location. At that point she and Mr. [redacted] exited the front door of the location. A short time later [redacted] and [redacted] also exited the front door.

Lieutenant Brown stated that once the deputies arrived on the scene, they met [redacted] and [redacted] and two other females leaving the location. The deputies began speaking with Suspect Rosenstein, who remained inside the house, but spoke to them through the open front door. Suspect Rosenstein said that the deputies would have to kill him, then he threatened to kill the deputies. Suddenly, Suspect Rosenstein darted into the entry way, from the hallway, pointed a handgun at the deputies, pulled the trigger twice, which made clicking sounds (See Photo of Entryway, Exhibit E). He then retreated into the hallway again. The two deputies and the sergeant retreated back to their radio cars and requested assistance.

Sergeant Lowe told the Internal Affairs Bureau investigators that he was approximately two miles away from the location when he monitored the call being dispatched on the station working frequency. He said that he and the other two responding units immediately coordinated their response to the location on "L-Tac" (A tape recording of "L-Tac" radio traffic is available for review at the Internal Affairs Bureau). The units did not drive directly to the location separately, but met around the corner from the location at Avenue S and Sabal Avenue. Once all three units arrived there, they drove around the corner and began driving north on Sabal Avenue. He said that they all stopped their radio cars just south of the informant's home. He said that as he had been driving up the street, he noticed there was a dark colored Honda parked at the west curbline, facing north directly in front of a house. He said he also noticed that the driver's door was open. It was Sergeant Lowe's opinion that this was where the suspect was located. Sergeant Lowe provided the investigators with a hand drawn diagram which illustrated the position of the radio cars (See Exhibit F). Sergeant Lowe stated that Deputy Kelleher and Deputy Deets began walking toward the suspect's house from their radio cars, and he followed. They walked across the street and onto the front yard of the suspect's house. He said they all walked to the front door area, at which time a young male, exited, carrying a bundle of clothes.

I.A.B. NOTE: The area in which the deputies and sergeant parked their radio cars was in the middle of the street at the south property line of the suspect's location (See Sergeant Lowe's diagram, Exhibit F).

The investigators noted that there were no other vehicles or objects that could afford cover or concealment to the deputies as they approached the location from this position. The front of the house had several windows and the front door located on the east exterior wall, that faced the front yard and street area. The deputies and sergeant had to walk across the street from their radio cars and cross the suspect's open front yard to approach the location.

The investigators noted that by approaching the location from the north, the garage and van parked in the driveway could be utilized as cover and concealment from the front of the house.

Sergeant Lowe told the Internal Affairs Bureau investigators that Antelope Valley Station now receives many "man with a gun" calls and that it is not unusual for deputies to approach the house directly, as they did in this case.

told the Internal Affairs Bureau investigators that as he exited the house through the front door, he was immediately confronted by Sheriff's deputies. They searched him, placed him in handcuffs and had him sit down on the ground adjacent to the front door. They began questioning him and the others, once they were detained, asking what was occurring at the location. said he told the deputies that the suspect may have a toy handgun, and that he was unsure if the suspect had a real gun. He said the deputies then approached the open front door area and began conversing with the suspect, who was still inside the house, asking him to exit the location. After the suspect refused to exit the location, the deputies escorted and the females to the radio cars and had them driven from the location.

told the Internal Affairs Bureau investigators substantially the same as related above, however, she was not handcuffed. She stated they were detained in the front yard next to the front door to the location.

and told the Internal Affairs Bureau investigators substantially the same as stated above by and Witness said that she heard the suspect tell the deputies that he would shoot the first deputy he saw.

I.A.B. NOTE: The area where the deputies and sergeant were detaining the above four individuals is approximately ten feet from the front door to the house (See Photos, Exhibit B).

The investigators also noted that a safer, more secure location for detaining these individuals, away from the threat of the suspect, was at the front of the garage at the location (See Photo, Exhibit B and Diagram, Exhibit F).

Sergeant Lowe told the Internal Affairs Bureau investigators that once they detained and spoke with each of the persons they detained at the location, they learned that the person they were looking for was still inside the house. He said that he took up a position just north of the front door, in an alcove area adjacent to the garage, while another deputy took up a position just south of the open front door (See photo of front door and adjacent front yard area, Exhibits E & H). They began conversing with the suspect, who was still inside the house, but just out of their view, and ordered him to exit the location. After several minutes of discussion, the suspect suddenly appeared in the entry area from the hallway, located south of the entry way, with an object that Sergeant Lowe believed was a handgun, and then immediately retreated into the hallway again. Sergeant Lowe stated he heard a clicking sound, but said that it did not sound like it came from a real gun. The suspect began yelling that he could have killed both of them. At that time Sergeant Lowe and the two deputies retreated from the location, escorting Witness and to the radio cars. As they were escorting them to the radio car, the suspect exited the location with a gun in one hand and a vodka bottle in the other hand. The suspect stated, "Why don't you kill me before I kill you?" The suspect then threw the bottle at the Honda, which was parked in front of the location. Sergeant Lowe made the observation that he believed the gun which the suspect was holding was a plastic, replica gun, and he told Deputy Kelleher and Deputy Deets of his suspicions. He did not, however, share this belief with other responding deputies, because he did not want to give them a false sense of security, plus the original call information indicated there had been shots fired inside the house. He said that additional units were requested to the location to form a containment of the house. They placed the witnesses into the radio cars and drove them away from the location.

I.A.B. NOTE: According to MDT administrative messages from Antelope Valley Station for March 25, 1993, Unit 110S advised the Antelope Valley Station Watch Sergeant at 1750 hours of his suspicion that the suspect was armed with a cap gun, but that they were not sure of this information (See Exhibit Q).

and all stated that they were driven from the location prior to any shots being fired, however, Ms. stated she saw Suspect Rosenstein exit the front door of the location, while she was in the rear seat of the radio car in front of the location, and saw him holding a handgun in his hand. She stated that she then saw him re-enter the location.

Ms. stated that while she was in the radio car with Ms. and prior to being driven from the location, she ducked down inside the radio car and then she heard shots being fired.

Sergeant Lowe stated that once sufficient units were on the scene to contain the location, he drove to the shopping center at Avenue S and 47th Street East, and established a command post. He said that he remained there throughout the remainder of the incident.

Lieutenant Mike Aranda, Palmdale Station advised the Internal Affairs Bureau investigators that he was notified of the possible barricaded suspect and responded to the command post within an hour of the original call. He stated that shortly thereafter, the Watch Commander, Lieutenant Dan Castillo, and the Station Commander, Captain Tony Welch, arrived at the command post. He stated that they all arrived at the command post prior to any shots being fired by the deputies. They remained at the command post throughout the duration of this incident.

Lieutenant Brown continued stating that once the deputies and sergeant retreated from the location, a containment was established around the suspect's house. He said that Deputy Deets took up a position with a shotgun at the northeast corner of the garage just south of the suspect's house, Deputy Lankford took up a position at the northwest corner of the house the street at Deputies Foss and Newlands took up a position behind the vehicle parked in the driveway at Deputy Brody positioned himself behind the block wall west of the suspect's home, at the rear of the suspect's property, Deputy Jones positioned himself at the north west corner of the house just north of the suspect's home, while Deputy Budge positioned himself at the rear of which is the house just of the suspect's home.

I.A.B. NOTE: Deputy Kelleher provided the investigators with the names of the deputies who were participating in the primary containment (See Diagram, Exhibit G)

The investigators noted that it appeared Deputy Lankford was the furthest from the front of the house (See Exhibit G).

Lieutenant Brown said that the suspect exited his home several times through the front door and through the rear sliding glass door throughout the duration of this event. Approximately 90 minutes after the original call, at approximately 1845 hours, the suspect exited the front door, walked into the front yard and pointed a handgun at Deputy Lankford, who was the street, still taking cover from the northwest corner of the house at Deputy Lankford believed he was about to be shot, so he fired three rounds from his County issue Beretta, at the suspect. The suspect retreated inside the house. Six minutes later, at approximately 1851 hours, the suspect exited the rear sliding glass door at the location and pointed a handgun at Deputy Brody, who was standing behind the block wall west of the suspect's house. Deputy Brody believed he was about to be shot, so he fired two rounds at the suspect. The suspect retreated inside the location.

Lieutenant Brown stated that once the suspect returned inside the house, the deputies heard loud crashing sounds. A hostage negotiator was requested and responded to the command post and was able to subsequently make telephone contact with the suspect and appealed to the suspect to put down his weapon and exit the location. The suspect told the negotiator that he was putting down his toy gun and was getting a real gun and that he was deciding which deputy to kill the next time he exited the location. This information was transmitted to the perimeter deputies.

According to the report written by Deputy Brian Schoonmaker, a member of the Crisis Negotiation Team, he was on duty and working in the Antelope Valley Station area, when he monitored the original call and request for additional units. He responded to the command post at about 1805 hours and began obtaining background information on the suspect from his friends and relatives, who were also at the C.P. While he was obtaining the background information, he monitored the

radio broadcast indicating there had been shots fired. He said that Sergeant Lowe then instructed him to locate a telephone and attempt to make contact with the suspect.

Deputy Schoonmaker wrote in his report that he responded to a residence a short distance from the suspect's house and made his first telephone call at 1856 hours, but the suspect did not pick up the telephone until 1906 hours. He told Deputy Schoonmaker that the only weapon he had in his possession up until that time was a toy gun, but that he had now found his.45 auto, then he hung up.

Deputy Schoonmaker wrote that he made a second telephonic contact with the suspect a short time later at which time the suspect said he was going to kill a cop, then he hung up.

Deputy Schoonmaker said that he made a third telephonic contact with the suspect and after conversing with him for a period of time, the suspect hung up again after telling Deputy Schoonmaker that he wanted him to call back in 30 minutes. Prior to Deputy Schoonmaker making contact with the suspect again, the suspect apparently exited the front door of the location and was shot by the deputies.

During each of these contacts the suspect made various threats against law enforcement personnel and threatened to take his own life. Deputy Schoonmaker wrote that he continually provided updated information to the deputies in the field via the radio.

I.A.B. NOTE: The Internal Affairs Bureau investigator ascertained that Deputy Schoonmaker did not tape record any of these conversations, because he did not have a tape recorder available and because the electronic equipment they normally use during these type of incidents had not arrived by the time he began negotiations with the suspect.

Lieutenant Brown stated that at approximately 2011 hours, the suspect exited the front door of the location and walked into the front yard. He walked around the front yard, raising and lowering his gun while talking to the deputies. The deputies shouted for him to stop and drop the gun, however, he ignored the demands. The suspect raised the gun in a two handed combat position and pointed the gun directly at Deputy Lankford, who was still taking cover across the street. At that time, Deputy Lankford believed he was about to be shot at, so he fired six rounds from his Beretta at the suspect. Simultaneously, Deputy Deets believed that the suspect was about to shoot Deputy Lankford, so he fired four shotgun rounds at the suspect (See Photos of Deputy Deets location and point of view, Exhibit I). Deputy Newlands fired nine rounds from his Beretta and Deputy Foss fired four rounds from his Beretta.

Lieutenant Brown said that the suspect fell to the ground, suffering from multiple gunshot wounds. He was transported to Palmdale Community Hospital where he died.

Deputy Brian Jones told the Internal Affairs Bureau investigators that he was about ten miles from the location of the incident when he monitored the original call which was assigned to 112A. He said he began driving in the direction of the call. A few minutes later he heard the units at the location request two additional units to the scene, so he began responding. Shortly thereafter, he heard a request for two more units to respond.

Deputy Jones said that he responded to the location and drove south on Sabal Avenue toward the suspect's house to assist with the containment. He was directed to take up a position at the rear of the house just north of the suspect's house. He parked about three or four houses north of the

location, exited his vehicle and walked to the front door of the house just north of the suspect's house and knocked on the front door. He made contact with the occupant, who admitted him to the house so he could go into the rear yard. Once in the rear yard, he discovered there was no available cover or concealment and that there was a chain link fence separating the two rear yards. He finally took up a position at the north west corner of the house, so he could maintain a visual observation point of the rear of the suspect's house (See Diagram by Deputy Jones, Exhibit J). He said that Deputy Brody was in the yard to the west of the suspect's house, behind a block wall (See Photos, Exhibit K). Deputy Jones heard the deputies on the containment continually updating each other as to the suspect's location and movements. He said he was in a position where he could occasionally see the suspect exit the rear sliding glass window into the rear patio area (See Photo, Exhibit K). He said he could only see the head and shoulder area of the suspect, because there was a wooden fence surrounding the patio area. He indicated that west of the fenced in patio was the remainder of the suspect's rear yard, which contained an above ground pool. Deputy Jones said that after he had been in position for a period of time, he heard the deputies announce on the radio that the suspect had exited the front door with a gun in his hand. Shortly thereafter, he heard three shots fired, and was then advised that Deputy Lankford had fired the shots, and that the suspect re-entered the house. About six minutes later, the suspect exited the rear sliding glass door, pointed a revolver in Deputy Brody's direction, and fired one time. Deputy Jones said he saw a flash come from the suspect's gun, observed a puff of smoke come from the gun, and he heard a muffled shot. It was at that time that Deputy Brody fired two times at the suspect. The suspect then re-entered the house.

Lieutenant Brown said that the revolver recovered at the scene was a toy gun. He theorized that Deputy Jones saw one of Deputy Brody's rounds strike the stucco wall or the metal window frame directly behind the suspect, that caused a spark and dust to become airborne.

I.A.B. NOTE: The Internal Affairs Bureau investigators noted that there were two impact points at the rear sliding glass door where the suspect had been standing. One round struck the stucco on the north side of the sliding glass door and the other round struck the metal frame on the door (See Photo, Page 2 of Exhibit M).

Deputy Jones told the Internal Affairs Bureau investigators that after Deputy Brody fired his shots, he realized that he was in a position that was not very effective. He stated that his position did not allow him a good view of the suspect or his actions, and he therefore did not fire any rounds at the suspect when he saw the suspect point a revolver in Deputy Brody's direction. Later investigation revealed that the revolver Deputy Jones saw the suspect pointing was in fact a replica revolver. At that time, he re-entered the citizen's home, told the occupants they had to evacuate, then escorted them north, away from the location. He then remained north of the location, directing traffic for the remainder of the incident.

Sergeant Lowe stated that he was at the command post when the shots were fired. He said the deputies at the scene were continually providing updated information about the suspect's movements and location on a tactical frequency. He said that a Special Weapons Team, ambulance and paramedics were requested to respond to the area prior to the time the suspect was shot. He said that at the time the suspect was shot, and fell to the ground at 2011 hours, the paramedics were parked and waiting just around the corner from the location and responded immediately.

I.A.B. NOTE: According to the Special Enforcement Bureau records, a request for a Special Weapons Team to respond to this incident was recevieved at 1900 hours on March 25, 1993.

However, according to the MDT administrative messages at Antelope Valley Station for March 25, 1993, Unit 110S advised the Antelope Valley Station Watch Sergeant at 1748 hours that they had an armed barricaded suspect at the location and he requested the Watch Commander and to have S.E. B. respond (See Exhibit P).

According to the MDT administrative messages, at 1849 hours, Unit 110L requested that the Antelope Valley Station Watch Sergeant ascertain the ETA of S.E.B. to the incident. At 1855 hours, the Watch Sergeant advised that S.E.B. knew nothing of a response to the location. Then at 1858 hours, Unit 110L advised the Watch Sergeant to request S.E.B. regarding a barricaded suspect with shots fired (See Exhibit P).

Witness [redacted] told the Internal Affairs Bureau investigators that he was at his home, which is just a short distance away, when he heard three shots fired. He also saw several Sheriff's Department radio cars rushing to the area where the shots were fired. He eventually rode his bicycle to the corner of Avenue S and Sabal Avenue, where he remained during the entire incident. He also had his camera with him and took photos of the incident from this location.

I.A.B. NOTE: Mr. [redacted] drew the positions of the radio cars, the suspect's location when shot, and the location of the one deputy he saw (Exhibit L).

On April 14, 1993, the Internal Affairs Bureau investigator was advised by Deputy Christiansen of Homicide Bureau that the roll of film given to him by Mr. [redacted] had been processed by the Sheriff's Crime Lab. He stated that there were no pictures showing the crime scene or any of the incident. He stated that they were pictures of Mr. [redacted] and [redacted] in the snow. He checked all the negatives to ascertain whether there were any photos of the crime scene, but he did not see any.

Mr. [redacted] said that he saw one deputy, with a shotgun, standing near the front of the garage at the house just south of the suspect's house (Designated as position B, on the diagram, Exhibit L). He said he knew there were other deputies across the street from the suspect's house, but he could not see where they were standing. He saw the suspect exit his house and walk into the front yard, holding two guns, one in each hand. He said he heard several people, who he assumes were deputies, yelling at the suspect to drop his weapons, but the suspect did not respond. The suspect walked to the front edge of the walkway leading to the house where he raised both arms parallel to the ground and pointed both guns in the direction of the deputies who were across the street (Designated as position A on the diagram, Exhibit L). He said that he heard a number of shots fired by the deputies, but he could not see who actually fired. The suspect then fell to the ground (Designated as position X on the diagram, Exhibit L).

Mr. [redacted] said that he noticed there were three radio cars parked in the street near the suspect's house when the shooting occurred (Designated as positions C, D, and E on the diagram, Exhibit L).

Mr. [redacted] who is a former Los Angeles Deputy Sheriff, stated that throughout the incident, he did not see any of the deputies act improperly, and that they repeatedly attempted to encourage the suspect to surrender and drop his weapon.

The Internal Affairs Bureau investigators noted during the walk through of the location, that there were a number of bullet holes in the east, exterior wall of the location, and on the south exterior wall of the garage (See Photos, Exhibits H and M).

The investigators also noted that there was a revolver laying on the grass near the front walk way at [redacted] Sabal Avenue and there was a auto loader handgun laying on the front edge of the walkway leading to the location (See Photos, Exhibit N and Diagram, Exhibit G).

> Lieutenant Brown stated that neither of the weapons recovered in the front yard of [redacted] Sabal Avenue were real firearms. The revolver was a toy, plastic gun and the autoloader was a "B-B" gun.
>
> Lieutenant Brown of Homicide Bureau said on March 31, 1993, that the autopsy indicated that the suspect had been shot on the left side of his body and the rounds traveled from left to right. He said that the suspect was struck with nine shotgun pellets. He said that none of the Beretta rounds struck the suspect.

I.A.B. NOTE: Based on Lieutenant Brown's statement, it appears that the suspect had his back to the street when he was shot by Deputy Deets. Blood on the sidewalk that leads from the driveway to the front door of the location indicates where the suspect fell when he was shot (See Diagram, Exhibit O, Page 1).

The Internal Affairs Bureau investigators received from Deputy Christiansen of Homicide Bureau on April 14, 1993, detailed diagrams of the location which include measurements (See Exhibit O).